

App. No. : 10/045,582
Filed : 10/22/2001

REMARKS

Applicant respectfully requests the Examiner to reexamine and reconsider this application, as amended. Claims 1-20 are currently pending in this application. Claim 1 has been amended to make it more definite and to clarify the subject matter that Applicant regards as the invention. New Claims 2-20 are presented in order to more fully and adequately claim the subject invention. Each of the Examiner's objections is addressed below:

Claim Rejections - 35 U.S.C. § 102(e)

The Examiner rejected Claim 1 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,525,660 to Surintrspanont. This rejection is respectfully traversed. First, Applicant respectfully submits that Surintrspanont is not prior art to the claimed invention under 35 U.S.C. § 102(e). And even if it was prior art, it does not anticipate the claimed invention as recited by Claim 1. Claim 1, as amended, is directed to a children's toy comprising a doll, puppet or stuffed animal having a concealed wireless tag/transponder configured and adapted to provide storage and retrieval of desired information and wherein the tag/transponder enables communication of the stored information wirelessly through the outer skin or covering of the toy without requiring removal or exposure of the tag/transponder.

In contrast, the cited reference discloses a food product for delivering an audible, visual and/or tactile message to a consumer of the food product. Figure 6 illustrates a toy comprising a clown doll having an internally disposed battery-operated reader with an exposed contact surface or slot 34 for reading information from an associated tag affixed to a food package (e.g. Figs. 1-3). Contrary to the Examiner's assertion, the device of Surintrspanont does not provide for non-invasive electronic storage and retrieval of information within a doll and, in any event, does not provide a doll or stuffed animal with an internally concealed batteryless, wireless tag/transponder configured and adapted to provide storage and retrieval of desired information and wherein the tag/transponder enables communication of the stored information wirelessly through the outer skin or covering of the toy without requiring removal or exposure of the tag/transponder. Accordingly, Applicant respectfully submits that Claim 1 is patentable over Surintrspanont.

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Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's own disclosure (alleged prior art by admission) in view of U.S. Patent 6,509,217 to Reddy and/or U.S. Patent 5,786,626 to Brady. Specifically, the Examiner contends that it is known (allegedly by Applicant's own admission) to provide a stuffed toy with a wireless tag. The Examiner further contends that Brady and Reddy show the use of RFID tags for general applications such as toys. The Examiner concludes that it would have been obvious to replace the alleged admitted prior art tag with a wireless tag for purposes of facilitating more convenient storage and retrieval of information relating to the toy. Applicant traverses this rejection and the Examiner's characterization of the prior art.

The Examiner has the initial burden of establishing a prima facie case of obviousness under Section 103. To satisfy this burden, the Examiner must show some objective teaching in the prior art that would lead a person of ordinary skill to combine or modify the relevant teachings of the references to produce Applicant's claimed invention. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (*citations omitted*); *see also, In re Bell*, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) ("A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art."). Applicant submits that no such showing has been made in this case.

Neither Applicant's description of the prior art nor any of the cited references disclose or suggest the claimed invention. Applicant's disclosure states that it is known to uniquely identify a stuffed animal toy with a bar-code tag inserted into the stuffing of the toy and which can be "surgically" extracted and read using conventional bar-code technology. The internal bar code tag is used to help identify lost or stolen stuffed animals and to return them to their rightful owners. However, use of an internal bar code tag in this manner is limited, inconvenient and can potentially damage the stuffed animal during surgical extraction and replacement. Brady and Reddy do not teach or suggest replacing bar-code tags with wireless tag/transponders. Brady discloses generally a desired structure and fabrication of a wireless RFID tag using thin, flexible components. Similarly, Reddy discloses processes and device structures suitable for fabricating thin, disposable circuits such as for RFID tags, smart cards and toy controller integrated circuits. Neither reference discloses or suggests the desirability of placing an RFID tag within a toy as

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recited by Claim 1, let alone concealing such devices within a doll, puppet or stuffed animal in such a manner to provide storage and retrieval of desired information and wherein the tag/transponder enables communication of the stored information wirelessly through the outer skin or covering of the toy without requiring removal or exposure of the tag/transponder. Therefore, Applicant submits that it would not have been obvious at the time of the invention to produce a children's toy comprising a doll, puppet or stuffed animal having a concealed wireless tag/transponder as recited by Claim 1.

New Claims 2-20

New Claims 2-20 are presented in order to more fully and adequately claim the invention. These claims are believed to be allowable over the prior art of record.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application, as amended, is in condition for allowance and such action is earnestly requested. If the Examiner has any questions or suggestions concerning the amended claims or this response she is respectfully urged to contact the undersigned at the number indicated below.

Respectfully submitted,
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Response - Amendment
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